

# **SERVICE LEVEL AGREEMENT BETWEEN THE NATIONAL TAXPAYER ADVOCATE AND THE COMMISSIONER, TAX EXEMPT/GOVERNMENT ENTITIES**

## **I. INTRODUCTION**

- A) This agreement outlines the procedures and responsibilities for the processing of Taxpayer Advocate Service (TAS) casework when the authority to complete case transactions rests outside of the TAS.
- B) The parties to this agreement are the Taxpayer Advocate Service represented by the National Taxpayer Advocate (NTA), and the Commissioner, Tax Exempt/Government Entities (TE/GE).
- C) Any existing customer/service level agreements are rendered obsolete and are superceded by this agreement. This agreement shall take effect consistent with the timeline agreed to by the parties.
- D) This agreement is national in scope and will be the basis upon which determinations regarding the processing and procedures for TAS cases will be made by the parties.
- E) Local disagreements over the implementation of these provisions will be elevated through the appropriate management channels within TAS and TE/GE for resolution. If resolution cannot be reached, then the matter will be elevated to the National Taxpayer Advocate and/or the Commissioner, Tax Exempt/Government Entities who will negotiate with the appropriate party(ies).

## **II. PURPOSE**

The purpose for developing and implementing a National Service Level Agreement is to establish uniform standards for the processing of work when TAS does not have the statutory and/or delegated authority to affect complete resolution of the taxpayer's problem, to ensure that TAS employees are included in appropriate training and CPEs held by TE/GE, and to maintain a working knowledge in TAS of TE/GE operational policies and procedures as they may affect TAS work.

## **III. STATEMENT OF COMMITMENT**

- A) The signatures of the National Taxpayer Advocate (NTA) and the Commissioner, Tax Exempt/Government Entities to this Agreement reflect concurrence that TAS casework requiring priority consideration will receive that consideration within TE/GE.

- B) The Commissioner, Tax Exempt/Government Entities will issue a memorandum, consistent with the timeline agreed to by all parties, through her management chain, to all employees within her jurisdiction, that emphasizes the priority nature of a Taxpayer Advocate case, as defined in Section Six, Items E and F of this agreement, and encourages her employees and managers to work cooperatively with TAS to effect timely resolution of taxpayer problems. This memorandum will also include her endorsement of this agreement and the provisions contained therein.
- C) The National Service Level Agreement will be reviewed annually or earlier with concurrence of the parties. Modifications will be made in writing only and will be signed by the National Taxpayer Advocate and the Commissioner, Tax Exempt/Government Entities.
- D) All basic IRMs for TE/GE, upon updating, will include this National Service Level Agreement. In other IRMs in electronic format, where the Service Level Agreement is not included, a hotlink will be made available to the Service Level Agreement.
- E) Appropriate training opportunities in TE/GE will be communicated to TAS to ensure attendance of TAS personnel. TAS will work with TE/GE to identify the number of slots available for the training. TAS will identify the appropriate TAS personnel who would serve as train-the-trainers to attend this training. If travel is involved for TAS employees to attend training/CPEs, TAS will be responsible for funding its employees

#### **IV. OPERATIONS ASSISTANCE REQUEST PROCESS**

The Taxpayer Advocate Service uses the Operation Assistance Request (OAR) process to refer a case to TE/GE when TAS lacks either the statutory or delegated authority to effect the resolution of the taxpayer's problem. This authority can be found in IRM 13. The Taxpayer Advocate Service utilizes Form 12412, Taxpayer Advocate Service Assistance Request, to initiate the OAR process.

#### **V. TAXPAYER ADVOCATE SERVICE RESPONSIBILITIES**

- A) TAS will identify those cases requiring an OAR to TE/GE. Because of the centralization of the TE/GE process, OARs can come to TE/GE from TAS offices anywhere in the country. Most TE/GE matters will go to the TE/GE Taxpayer Advocate Liaison Officer in Cincinnati, who is identified in the Addendum. Matters relating to (i) Federal, State, and Local Governments, (ii) Indian Tribal Governments, and (iii) Tax Exempt Bonds will go to the

TE/GE liaisons for these subjects who are also listed in the Attachment. A TAS office may contact the TE/GE liaison by telephone to secure an answer prior to and in lieu of forwarding an OAR. This contact will occur most frequently with congressional inquiries consistent with IRM 13.1.8.

- B) TAS will provide training to its employees describing the roles and responsibilities of TAS personnel in the OAR process.
- C) TAS will ensure that cases meet appropriate TAS criteria prior to submitting an OAR to TE/GE. TAS is responsible for building the case prior to its delivery to TE/GE. That is, in appropriate cases TAS will conduct all appropriate IDRS research, identify the issue(s) based on case analysis, request all pertinent internal documents, request documentation from the taxpayer relevant to the issue, and make a recommendation, where appropriate, based upon the technical knowledge of the Advocate, to TE/GE as to appropriate course of action. TAS will also outline any account adjustments that need to be effected to implement TAS' recommended actions.
- D) Each TAS office will appoint a liaison who will be responsible for forwarding the OARs from his/her respective office to the appropriate TE/GE Liaison. See the Addendum for the appropriate liaisons. The TAS Liaison will also be the contact point for the appropriate TE/GE Liaison on matters outside the scope of the TAS case should discussion be necessary on administrative/and or procedural matters.
- E) In those cases requiring an OAR, TAS will complete Form 12412, Taxpayer Advocate Service Assistance Request, to initiate the OAR process, supplying both the TAS Associate's name and the TAS Liaison's name and contact information, including telephone number, address, and fax number. TAS will forward the case, along with the necessary supporting documentation, via Form 3210, Document Transmittal, to the appropriate TE/GE Liaison as defined at paragraph VI.A.
- F) In accordance with IRM 13, the assigned TAS Associate will be responsible for keeping the taxpayer/practitioner apprised of the progress of his/her case and will follow-up with the TE/GE employee assigned the case for a status report. This will not prohibit the TE/GE employee assigned the case from making necessary contacts with the taxpayer/practitioner. The TAS Associate will also be responsible for communicating the final decision on the case to the taxpayer/practitioner after any necessary discussions are held with the appropriate TE/GE personnel. This does not prohibit TE/GE from also communicating that decision to the taxpayer.

- G) Should there be problems with the timeliness of the completion of the OAR, the TAS Associate will elevate this problem to his or her immediate manager. The TAS manager will contact the appropriate TE/GE Liaison or appropriate TE/GE management official.
- H) A TAS Area Director, or his or her designee, and the appropriate TE/GE Liaison, will meet, in person or by telephone, quarterly, or more often at the request of either party, to discuss issues of import that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of case development received from Advocate offices, and the OAR process. The Area Directors will provide the National Taxpayer Advocate and the Deputy National Taxpayer Advocate with regular reports on the results of these discussions.
- I) For cases involving economic hardship, TAS Criteria Codes 1 through 4 as defined in IRM 13, and in which an OAR is necessary and issued, the TAS Associate will submit Form 12412, if required, to the appropriate TE/GE Liaison within one (1) workday of TAS's determination of the taxpayer's significant hardship and eligibility for relief.
- J) For cases involving systemic hardship (delay or systemic/procedural failure), TAS Criteria Codes 5 through 7 as defined in IRM 13, and in which an OAR is necessary and issued, the TAS Associate will submit Form 12412, if required, to the appropriate TE/GE Liaison at the earliest possible date. Upon return of the Form 3210 from the TE/GE Liaison, the TAS Associate will contact the appropriate TE/GE employee to negotiate or renegotiate a reasonable timeframe for case resolution.
- K) The TAS Associate and the TE/GE employee assigned the case will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- L) While the case is being worked in TE/GE, the TAS Associate will follow up with the TE/GE employee assigned the case to determine the status of the case.
- M) If the TAS Associate and the TE/GE employee assigned the case cannot agree upon the appropriate resolution of the taxpayer's problem, the TAS employee will elevate this disagreement to his or her manager who will discuss it with the appropriate TE/GE manager. The TE/GE employee assigned the case will also elevate any disagreement to his or her manager.
- N) If resolution of the taxpayer's case cannot be completed by the negotiated date, or by any negotiated extension date, the TAS manager, or designee,

working with the TAS liaison in the initiating office, will contact the TE/GE Liaison to discuss the reasons for the delay.

- O) If a decision cannot be reached by the negotiated completion date of the Case, the LTA will elevate the matter to the TAS Area Director, prior to issuing a Taxpayer Assistance Order, as provided in IRM 13.
- P) TAS will provide the appropriate TE/GE Liaison(s) with appropriate TAMIS reports that will identify OARs in each respective office that will assist the TE/GE Liaison(s) in monitoring their OAR inventory.
- Q) TAS will work with the TE/GE Liaisons to identify those TE/GE employees who require awareness training on working OARs in accordance with TAS case processing requirements that include timeliness, accuracy, and communication.

## **VI. TAX EXEMPT/GOVERNMENT ENTITIES DIVISION RESPONSIBILITIES**

- A) TE/GE will assign a liaison(s) who will be responsible for coordinating all TAS work coming into TE/GE. The liaison(s) and his/her area of responsibility is/are listed in the Addendum. Further, this individual should have the authority to elevate problems he/she identifies with timeliness of the casework in TE/GE through the appropriate TE/GE management chain.
- B) The TE/GE Liaison(s) will be responsible for accepting the OARs from TAS, acknowledging receipt of the case, reviewing the case for appropriate assignment, assigning the case to the appropriate employee within TE/GE, and monitoring the case through its conclusion.
- C) The TE/GE Liaison will promptly notify the LTA, within one (1) workday of receipt of Form 12412, of any case in which the OAR is not sufficiently developed, or in which it is clear, upon initial review, that the relief requested cannot be granted. This provision does not limit TE/GE's ability, upon subsequent analysis of the OAR, to seek additional information or to grant, modify, or deny the relief requested.
- D) If an OAR is misrouted by TAS to the incorrect TE/GE Liaison, that Liaison will make contact with the TAS Liaison in the initiating office within one (1) workday of receipt of the Form 12412 to discuss the disposition of the case.
- E) For cases involving economic hardship, TAS Criteria Codes 1 through 4, and in which an OAR is necessary and issued, the TE/GE Liaison(s) will acknowledge receipt of the case to the designated TAS liaison via Form

3210, Document Transmittal, within one (1) workday of receipt of the case. The TE/GE Liaison will respond within three (3) workdays in writing, via facsimile, or hand delivery to the TAS Associate his or her relief/no relief decision.

- F) For cases involving systemic hardship (delay or procedural/systemic failure), TAS Criteria Codes 5 through 7, and in which an OAR is necessary and issued, the TE/GE Liaison(s) will acknowledge receipt of the case to the designated TAS Liaison via Form 3210, Document Transmittal, within three (3) workdays of receipt of the case. The TE/GE employee assigned the case will negotiate or renegotiate with the TAS Associate a reasonable timeframe for case resolution.
- G) The TE/GE Liaison will provide TAS with the name and telephone number of the TE/GE employee assigned the case. This information will be provided on the Form 3210, Document Transmittal, returned to the designated TAS Liaison by the timeframe outlined in Paragraphs VI.E and VI.F herein.
- H) The TE/GE employee and the TAS Associate will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- I) The TE/GE employee assigned the case will discuss his or her findings and recommendations on the final disposition of the case with the appropriate TAS Associate. The TAS Associate is responsible for communicating the final decision on the case to the taxpayer. This does not prohibit TE/GE from also communicating that decision to the taxpayer.
- J) If the TAS Associate and the TE/GE employee assigned the case cannot agree upon the resolution to the taxpayer's problem, the TAS employee will elevate this disagreement to his or her manager who will discuss it with the appropriate TE/GE manager. The TE/GE employee assigned the case will also elevate any disagreement to his or her manager.
- K) If resolution of the taxpayer's case cannot be completed by the negotiated date, or by any negotiated extension date, the TE/GE employee will elevate the matter to the TE/GE Liaison.
- L) The TE/GE Liaison(s) will use the TAMIS reports provided by the TAS office to monitor the OAR inventory and to follow-up with the assigned TE/GE employee as needed.
- M) The TE/GE Liaison(s) will be responsible for effectively managing the OAR inventory and providing reports to his/her manager that identify cases not closed by the negotiated date.

- N) The TE/GE Liaison(s) will meet quarterly, or more often at the request of either party, with the TAS Area Director, or his or her designee, to discuss issues of import that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of case development, and the OAR process. The TE/GE Liaison(s) will provide his or her appropriate manager with regular reports on the results of these discussions.
- O) In accordance with Internal Revenue Code section 7803(c)(2)(C)(ii), TE/GE will provide TAS the opportunity to provide TAS awareness case criteria training, at least annually, during CPE sessions, group meetings, or other appropriate venues, to appropriate public contact employees as identified by TE/GE.

## **VII. JOINT IMPROVEMENT EFFORTS**

- A) The Executive Director for Systemic Advocacy will provide information on trends, legislative recommendations, and systemic and procedural problems to TE/GE. The Executive Director for Systemic Advocacy, working with the TAS Director of Program, Planning, and Quality, will provide the designated TE/GE personnel with periodic reports and analysis of the TAS inventory Study.
- B) TE/GE will seek and identify opportunities to work with the Executive Director for Systemic Advocacy who will advocate for taxpayers and ensure their interests and concerns are represented during the development of new IRS policies, systems, procedures, and programs.

## **VIII. IMPLEMENTATION AND COMMUNICATION**

TAS will convene a cross-functional team to monitor the implementation of all Service Level Agreements between TAS and the Operating/Functional Units. This team will review any proposed modifications to the Service Level Agreements and elevate any recommendations to the respective Division Commissioners and Functional Chiefs and the National Taxpayer Advocate.

TAS and TE/GE will develop a communication strategy that will provide the terms of the National Service Level Agreement to all employees, consistent with the timeline agreed to by the parties.

This agreement and addendum are effective beginning 1 September 2002.

/s/ Evelyn Petschek

06-21-02

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Evelyn Petschek  
Commissioner  
Tax Exempt/Government Entities

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Date

/s/ Nina E. Olson

06-21-02

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Nina E. Olson  
National Taxpayer Advocate

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Date